IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO. 548 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. S.V. Sakhare for the appellant.

Mr. G.S. Godbole for respondents 1 and 3.

CORAM : ANOOP V. MOHTA, J.

DATE : 02.12.2005

. Heard. After considering the rival contentions raised by the parties and after going through the concurrent findings given by the Courts below, about declaration in respect of suit house there is no case made out in the Second Appeal by the appellant to interfere with the confirming reasons given by the appellate Court. The order dated 15/2/2003 in para 12 and 13, which speaks itself in so far as, conduct of the parties, while persuading the appeal before the appellate Court. I am not inclined, in so far as advocate's request

for continuing the appellant to occupy the premises till her life time. All these issues have been considered by the appellate Court.

2. The fact is that respondent No.1-original plaintiff herself aged 75 years. The age of the appellant is 70 years is a relevant consideration only to consider her Counsel’s request for grant of further time to vacate the premises in question. The second appeal is disposed of.

3. However, time to vacate the premises is extended till the end of August, 2006, on filing an usual undertaking by the appellant and of all adult members of the family of the appellant, residing in the premises, within 4 weeks, failing which, the plaintiffs are at liberty to execute the judgment and decree, in accordance with the law.

(ANOOP V.MOHTA,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO. 1132 OF 2003.
IN
SECOND APPEAL NO. 548 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. S.V. Sakhare for the appellant.

Mr. G.S. Godbole for respondents 1 and 3.

CORAM : ANOOP V. MOHTA, J.
DATE : 02.12.2005

. Civil Aplication for stay is also disposed, in view of the reasoning given in Second Appeal No.548 of 2005.

(ANOOP V. MOHTA, J.)